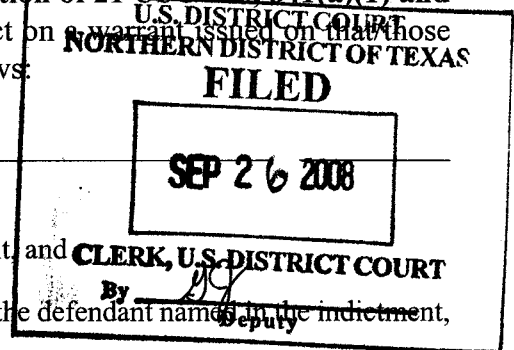


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	Magistrate Docket No.: 3:08-MJ-368 (1)
	§	Docket No. Where
vs.	§	Charge Pending: A-08-CR-337-LY (7)
	§	
JOHN SIMMONS	§	Western District of Texas, Austin Division

**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1
AND ORDER ENTERED THEREON**

The defendant is charged by Indictment in the above-referenced district with the offense(s) of **Conspiracy to distribute a controlled substance, in violation of 21 USC 846, 841(a)(1) and 841(b)(1)(A); 18 USC 2**. Having been arrested in this district on a warrant issued on that those charge(s), he/she appeared before me for proceedings as follows:



Rule 5(c)(3) Transfer

- ☐ The government has produced a copy of the warrant, and
- ☒ The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:
 - ☒ The defendant waived identity hearing.
 - ☐ An identity hearing was conducted, and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.

Rule 5.1: Preliminary Hearing

- ☒ No preliminary hearing is necessary because the defendant is charged by indictment.
- ☐ The defendant waived a preliminary hearing.
- ☐ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ There is probable cause to believe that the defendant committed the offense(s) charged.
 - ☐ There is **NOT** probable cause to believe that the defendant committed the offense(s) charged.

Rule 5(d)(3) Detention Hearing

- ☐ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing.
- ☒ The defendant elected to have a detention hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ The defendant should be detained.
 - ☐ The defendant should be released on bond.

ORDER ENTERED ON THE FOREGOING REPORT

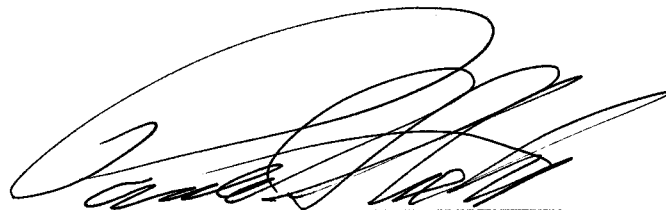
TO: UNITED STATES MARSHAL

- ☒ You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.

☐ Subject to being released on bond.

- ☐ It is ORDERED that this defendant be discharged from custody.

DATE: Sept 26, 2008



United States Magistrate Judge

(Use Other Side for Return)